

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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**DAVID A. SMILEY**

**Plaintiff,**

**v.**

**UNITED AUTOMOBILE, AEROSPACE :  
AND AGRICULTURAL IMPLEMENT :  
WORKERS UNION, LOCAL 1183 :**

**Defendant**

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**C.A.No.: I:07-005-SLR**

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**DEFENDANT, UAW LOCAL 1183'S  
MOTION FOR SUMMARY JUDGMENT**

**Comes Now**, Defendant United Automobile, Aerospace and Agricultural Implement Workers Union Local 1183 ("Local 1183") pursuant to Fed. R. Civ. P. 56, and moves the Court for an Order entering Summary Judgment in its favor and against Plaintiff on all of his claims against Local 1183. The basis for Local 1183's Motion is that there is no genuine issue as to any material fact in this case and that Local 1183 is entitled to judgment as a matter of law.

The specific reasons supporting Local 1183's Motion are set forth in its Opening Brief in Support of Local 1183's Motion for Summary Judgment, filed contemporaneously herewith.

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**Dated: July 15, 2008**

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**ORDER**

WHEREAS, the Court having considered Defendant United Automobile, Aerospace and Agricultural Implement Workers Union Local 1183's ("Local 1183") Motion for Summary Judgment and the arguments of Plaintiff and Local 1183 related thereto, and the Court finding no material issues at fact and that Local 1183 is entitled to judgment in its favor;

NOW, THEREFORE, this                      day of                      2008, Local 1183's Motion is hereby **GRANTED** and judgment shall be entered in Local 1183's favor on all claims of the Complaint against it.

By the Court:

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The Honorable Sue L. Robinson, USDCJ

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DAVID A. SMILEY

**Plaintiff,**

**C.A.No.: I:07-005-SLR**

V.

**UNITED AUTOMOBILE,  
AGRICULTURAL AND AEROSPACE  
IMPLEMENT WORKERS UNION,  
UAW LOCAL 1183**

## Defendant

## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the within document to be served on the below listed persons on the date and in the manner listed below:

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**Dated: July 15, 2008**